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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/893,177 | 06/27/2001 | Michael S. Ripley | 42390P11151 | 4529 |

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| EXAMINER | |
|---|---|
| LANIER, BENJAMIN E | |
| **ART UNIT** | **PAPER NUMBER** |
| 2432 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 11/19/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/893,177 | RIPLEY ET AL. | |
| | Examiner | Art Unit | |
| | BENJAMIN E. LANIER | 2432 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *30 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *6,8,19,31-33 and 37-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6,8,19,31-33,37-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant argues, "Hirano cannot be combined with Van stone because Van Stone renders Hirano inoperable and thus all of the rejections must be withdrawn." This argument is not persuasive because Applicant has completely misinterpreted the modification as proposed by the Examiner. At no time, did the Examiner suggest utilizing a session key. Examiner stated utilizing the secret key already present in the Hirano, which is not a session key. The modification proposed suggested hashing the user id information with the secret key (all present in Hirano) and use the hash to encrypt the content key. It would have been obvious to one of ordinary skill in the art to do this in order to prevent unauthorized access to the key that encrypts/decrypts the content key as suggested by Vanstone (Col. 3, lines 45-49).

2. Applicant's arguments never actually address this modification, but instead address portions of Van Stone, which were never addressed, nor relied upon.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 6, 8, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano, U.S. Patent No. 7,145,492, in view of Vanstone, U.S. Patent No. 6,487,661. Referring to claims 6, 8, 19, Hirano discloses a content distribution system wherein a user provides user id information with a request for content (Col. 5, lines 22-28), which meets the limitation of receiving a request to transfer content to a customer, obtaining a customer identifier (I.D.) associated with the customer. The requested content is encrypted with a content key (Col. 5, lines 18-20), which meets the limitation of retrieving from a content source encrypted content corresponding to the requested content, the encrypted content being encrypted by a title key. The content key is then encrypted using the user id information (Col. 5, lines 29-30), which meets the limitation of binding the requested content to the customer I.D. by using the customer I.D. to encrypt the title key. The encrypted content and encrypted content key can be transmitted to the requesting user for storage are recorded on a CD-ROM or DVD for distribution to the requesting user (Col. 6, lines 9-14), which meets the limitation of transferring from the content source the encrypted content and the encrypted title key to a non-volatile storage medium, and storing the encrypted content and the encrypted title key on the non-volatile storage medium, from which the encrypted content and the encrypted title key may be accessed by the customer. Hirano discloses that the content key and a secret key are encrypted with the user information, but Hirano does not disclose combining the user information and the secret key to encrypt the content key. Vanstone discloses a key generation method that hashes identification information and a session key to create a shared key (Abstract & Col. 3, lines 8-44), which meets the

limitation of combining a media key and the customer I.D. to encrypt the title key, combining the customer I.D. with a media key comprises using a cryptographic one-way function. It would have been obvious to one of ordinary skill in the art at the time the invention was made to hash the user id information with the secret key and use the hash to encrypt the content key in order to prevent unauthorized access to the key that encrypts/decrypts the content key as suggested by Vanstone (Col. 3, lines 45-49).

6. Claims 31-33, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano, U.S. Patent No. 7,145,492, in view of Vanstone, U.S. Patent No. 6,487,661, and further in view of Lotspiech, U.S. Patent No. 6,883,097. Referring to claims 31-33, 37-39, Hirano discloses that the encrypted content and encrypted content key can be transmitted to the requesting user for storage are recorded on a CD-ROM or DVD for distribution to the requesting user (Col. 6, lines 9-14), which meets the limitation of access from a non-volatile storage medium content encrypted with a title key accessible by a customer, the non-volatile storage medium additionally storing a customer I.D. associated with the customer requesting the content. The content key is encrypted using the user id information (Col. 5, lines 29-30), which meets the limitation of the title key is encrypted with a customer I.D. The encrypted content is decrypted using the decrypted content key (Col. 7, lines 1-3), which meets the limitation of using the title key to decrypt the encrypted content. Hirano discloses that the content key and a secret key are encrypted with the user information, but Hirano does not disclose combining the user information and the secret key to encrypt the content key. Vanstone discloses a key generation method that hashes identification information and a session key to create a shared key (Abstract & Col. 3, lines 8-44), which meets the limitation of combining a media key and the customer I.D.

to encrypt the title key, combining the customer I.D. with a media key comprises using a cryptographic one-way function. It would have been obvious to one of ordinary skill in the art at the time the invention was made to hash the user id information with the secret key and use the hash to encrypt the content key in order to prevent unauthorized access to the key that encrypts/decrypts the content key as suggested by Vanstone (Col. 3, lines 45-49). Hirano does not disclose that the secret key is obtained from a media key block, contained within the storage medium, using device keys associated with the device for using the content. Lotspiech discloses a content distribution system wherein the key used to encrypt the audio content (Col. 1, line 40) (media key in Lotspiech) is included in a media key block in the storage medium along with the encrypted content, and the media key is access by decrypting the media key block with device keys of the accessing device (Col. 4, lines 17-24), which meets the limitation of processing the MKB to generate a media key by using device keys associated with a device for using the content, the content comprises a music title. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the secret key of Hirano to be included in the storage medium along with the content in a media key block such that the secret key could be accessed by using the device keys of the accessing device on the media key block in order assist in the prevention of content piracy (Lotspiech: Col. 1, lines 20-22) by complicating coincidence attacks (Lotspiech: Col. 2, lines 11-18).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN E. LANIER whose telephone number is (571)272-3805. The examiner can normally be reached on M-Th 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin E Lanier/
Primary Examiner, Art Unit 2432